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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION IN BOSNIA AND HERZEGOVINA

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 20 of Security Council resolution 1247 (1999) of 18 June 1999. It details the progress achieved by the United Nations Mission in Bosnia and Herzegovina (UNMIBH) since my report of 17 December 1999 (S/1999/1260) and reviews some of the supporting activities of the United Nations system in Bosnia and Herzegovina during the same period.

2. UNMIBH continues to be led by my Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina, Jacques Paul Klein. The Mission's International Police Task Force (IPTF), which is led by Commissioner Detlef Buwitt, has an authorized strength of 2,057. Owing mainly to the redeployment of IPTF officers to the United Nations Interim Administration Mission in Kosovo (UNMIK), the strength of IPTF as of 1 March was 1,837 (see annex).

II. PROGRESS IN IMPLEMENTATION OF THE MANDATE

Police restructuring

3. Data collection and initial screening for the Law Enforcement Personnel Registry has proceeded quickly and, on 1 March 2000, over 5,500 officers had been registered and 3,300 had been pre-screened. Of these, 120 did not meet the required minimum standards and will not be authorized by the IPTF Commissioner to exercise police powers. In the second phase of this project, officers will be subject to greater in-depth scrutiny before final determinations about their future assignments can be made. This cornerstone project will result in the first comprehensive data bank on police strength, composition, and status of the some 20,000 authorized police officers in Bosnia and Herzegovina.

4. Steady progress is being made towards changing the composition of the police force to better reflect the multi-ethnic character of the communities it serves. Over 320 minority police officers are currently attending courses or have already graduated from police academies in both entities. Graduates of the

first multi-ethnic classes are now completing six months of field training before permanent deployment in minority areas, subject to adequate assistance for repair of housing in those areas. The third multi-ethnic police academy class in the Republika Srpska, comprising 74 cadets, began in late February. To facilitate the voluntary redeployment of experienced police officers between the entities, a refresher course has been developed for those displaced former police officers who are willing to return to their place of origin. This will also help to address the current ethnic imbalance in the police.

5. In a major initiative, on 1 March, UNMIBH established the inter-entity Ministerial Consultative Meeting on Police Matters (MCMP) to facilitate inter-entity law enforcement agreements and to establish procedures for the recruitment and voluntary redeployment of minority police officers. MCMP will meet once a month at the entity and at the cantonal ministerial levels.

6. UNMIBH has also initiated a Police Commissioner Programme aimed at instituting a single chain of command in the cantonal police forces under a professional and independent police commissioner who is selected on the basis of merit rather than ethnicity and is insulated from political influences. In this way, UNMIBH is hoping to make some progress in removing political control and parallel chains of command in the police structures of the Federation, a serious problem in ethnically mixed cantons where ethnically based parallel chains of command still prevail. In those cantons, serious inter-ethnic crimes, including assault, intimidation and homicide, frequently remain uninvestigated and unpunished. In recent weeks, both Sarajevo Canton and the Federation Ministry of the Interior have begun the process of creating such police commissioner posts.

7. The integration of the specialized police forces, after 18 months of intensive efforts by UNMIBH, is a major accomplishment. In December 1999, UNMIBH completed the integration of the Federation Anti-Terrorist Unit in Sarajevo and the closure of the separate Croat special police barracks in Kiseljak. In January 2000, the Federal Ministry of the Interior finalized the restructuring of the Anti-Terrorist Unit, which is now staffed proportionally by Croats and Bosniacs who are currently undertaking a three-month IPTF-led training course. In the Republika Srpska, eligible members of the former Police Anti-Terrorist Brigade (PAT-B) have started psychological and physical training for entry into the new Specialized Police Force, which was to be fully staffed by March 2000. At that time, IPTF co-locators would be appointed and the force would be transferred from Stabilization Force (SFOR) supervision, under annex 1A of the Dayton Accords, to civilian control, under annex 11.

8. In February, UNMIBH organized the first meeting of commanders and deputy commanders of all cantonal specialized police units. Both Bosniacs and Croats agreed on improved operational cooperation and joint exercises. In the long term, these specialized units should replace international intervention in riot control and in case of serious threat to public security. Therefore, ensuring that they are fully integrated and trained is a major long-term priority.

9. The creation of an effective court police is essential to provide security for courts, judicial officials and witnesses and to the enforcement of judicial decisions. The UNMIBH court police unit is assisting the High Representative in

drafting amendments to the Federation Court Police Law, as well as to the related rules and regulations. In the Federation, the selection process for hiring staff has been established and the training programme has been drafted. However, adequate budgetary provision for the establishment of the court police is in place in only 3 of the 10 Federation cantons. In the Republika Srpska, which has no court police structure, the legislative authorities have yet to adopt appropriate laws.

10. In sharp contrast to the progress which has been made in many core mandate areas, UNMIBH has faced severe obstruction and delay in two key tasks: integration of Bosniac and Croat police officers in canton 7 (Herzegovina-Neretva) and the establishment of the State Border Service. In Mostar, senior Croat authorities have refused to allow Bosniac officers to work in the Croat-controlled western part of the city in the same building as their Croat counterparts. High-level representations to local Croat officials and to the top Croat leadership, including a formal joint démarche by UNMIBH, SFOR and the Office of the High Representative, have been unsuccessful and have been met with a hostile political campaign. Local Croat obstruction affects all aspects of the work of the international community in canton 7, including returns to and evictions from the west side of Mostar. While there has been some movement in the technical aspects of integration of the cantonal Ministry of the Interior, such as improved patrolling and joint security planning, these achievements are minimal considering the scale of international assistance and the objectives of peace implementation.

11. The establishment of the State Border Service has also met political and administrative obstruction and delays. The High Representative was compelled to impose the State Border Service Law on 13 January, following yet another failure by Parliament to pass the necessary legislation. However, the Joint Presidency has now demonstrated a degree of commitment to this important project. UNMIBH has continued to insist on a professional and transparent structure. To that end, it prepared a draft organizational structure, including the position of a professional commissioner, a three-phase implementation plan, and has deployed the first operational support team at Sarajevo airport to prepare the police there for transition to the State Border Service. This has now been accepted by the Presidency and work will begin on its implementation.

12. The Government of Austria has generously assisted in providing three multi-ethnic training courses at the Gendarmerie Training Centre in Graz. Two more courses are required to be held in April and May, and UNMIBH is hopeful that positive consideration will be given to its request for two train-the-trainers courses later in the year to complete initial requirements. A location for a permanent training centre in Brčko has been identified. Donor funding is being sought for necessary refurbishment. This proposal has been submitted for the consideration of the Stability Pact. Also, the Government of Switzerland has generously offered to provide specialized training for a further 90 officers.

Police reform

13. UNMIBH's police reform programme aims to improve technical and democratic policing skills through active monitoring and advising, intrusive inspections,

classroom and field training, rigorous application of non-compliance policies and de-certification of police officers for serious non-cooperation or violation of human rights. An important instrument for carrying out these tasks is the co-location of IPTF officers with their local counterparts. As of 1 March, 643 IPTF officers were fully co-located at 204 local police locations. Fifty-two police stations are staffed on a 24-hour basis.

14. The co-location programme has already produced tangible results. The response from the local police to IPTF advice and interventions has considerably improved, particularly during investigations of criminal cases and preparation of security plans prior to major events or demonstrations. This will be particularly important in the lead-up to the 8 April municipal elections. Increased awareness among the local population of the presence of international monitors has resulted in an increase of complaints made against not only police but also other ministerial organizations. This has also provided UNMIBH with accurate information to target resources more effectively.

15. Random inspections of police stations by IPTF continue to reveal instances of non-compliance with IPTF policies. Of particular concern is the continued presence of mono-ethnic intelligence agencies inside multi-ethnic police buildings. This creates distrust and apprehension and retards the efforts of UNMIBH to establish transparent and accountable police forces. On 9 February, IPTF, with the support of SFOR, carried out a weapon inspection in the Glamoc police station, the Canton 10 Ministry of Interior building in Livno and the Livno police station. An intelligence-gathering complex was discovered behind locked doors to which the Minister claimed he did not have access. Unauthorized weapons, explosives, eavesdropping equipment, tapes and files were confiscated. UNMIBH has written to the High Representative requesting the dismissal of several officials responsible for these unlawful activities.

16. The key to self-sustaining police reform is professional training, and in the long term police training must itself be a self-sustaining activity. UNMIBH has therefore shifted its advanced training activities towards the training of local police trainers. Current training activities of UNMIBH include a management and leadership skills programme which aims to train 1,064 local police personnel with supervisory functions. A traffic awareness course is under way to train local police trainers and officers, and a firearms remedial training programme is being set up. UNMIBH is currently reviewing its training activities with a view to phasing out this part of its work.

17. In accordance with Security Council resolution 1088 (1996), the UNMIBH human rights office continues to conduct independent investigations of alleged human rights abuses by local police officers and to monitor the handling of investigations by local law enforcement officials in crucial cases. Breaches of human rights by seven police officials in the Federation led to their de-certification by the IPTF Commissioner on 14 January 2000.

18. IPTF has made progress in improving the procedures for arrest and police custody in the Republika Srpska and in the Federation. Following an IPTF micro-audit of police stations in June 1999 and the subsequent establishment of a Working Group at the Federation Ministry of Interior, new procedures and legal provisions for arrest and police custody based on European standards have been

drafted and will now be tested at selected police stations. The recently established housing action team, consisting of IPTF human rights and police personnel, has also taken a robust approach towards monitoring local police action in legal evictions to foster minority returns, especially evictions of illegal occupants working in the police.

Assessment of the judicial system

19. Police restructuring and reform must be complemented with judicial reform to ensure the establishment of a state based on the rule of law. The Mission's judicial assessments have systematically identified political, institutional and technical impediments to the functioning of an effective judiciary.

20. Since last December, UNMIBH has released three public reports with specific recommendations to improve judicial practice and procedure. The report on arrest warrants, amnesty and trials in absentia resulted in the adoption of remedial measures in the cantonal and municipal courts in Sarajevo. The interim report on delays in detention has disclosed that the lack of clear regulations on inter-entity jurisdiction is a major cause of unacceptably long periods of detention in criminal cases. A methodology for countrywide follow-up has been developed for implementation of the related recommendations. The summary conclusions on judicial independence which emerged from conferences organized jointly by UNMIBH, the Organization for Security and Cooperation in Europe (OSCE) and the Office of the High Representative in September 1999 have led the Ministry of Justice in Canton 9 (Sarajevo) to separate the budget of the Ministry from that for judicial institutions. UNMIBH intends to use the Canton 9 budget as a model for judicial reform throughout the country.

Brčko

21. UNMIBH's task of establishing a unified multi-ethnic police force in the district of Brčko was successfully completed with the inauguration, on 20 January 2000, of the Brčko District Police Service. The police force was downsized from 386 to 320 officers and is made up of 45 per cent Serbs, 37 per cent Bosniacs, 16 per cent Croats and 2 per cent others. The selection was based on professional qualifications, with due consideration given to the composition of the local population and evolving demographics of the Brčko District. It is hoped that the success of a multi-ethnic Brčko District police force will have a positive impact on the implementation of the Dayton Agreement in Bosnia and Herzegovina as a whole.

22. To facilitate effective policing throughout the Brčko District, UNMIBH has negotiated an agreement on transit rights and hot pursuit with the two adjoining entities. The agreement awaits the signature of the Minister of the Interior of the Republika Srpska. UNMIBH has also held consultative meetings in Banja Luka and Sarajevo to come to agreements on the provision of forensic services. Those agreements, when concluded, will allow the Brčko District Police Service to function independently while relying on both entities for assistance. UNMIBH judicial experts have also assisted the Brčko District Supervisor in drafting the new Brčko District Statute, the Law on Criminal Procedure/Judicial Police and related areas of the Law on Internal Affairs, Internal Court Rules and the Judicial Commission.

Stability Pact

23. At the Stability Pact Working Table on Security Issues, held in Oslo on 13 and 14 October 1999, UNMIBH proposed the establishment of a South-East European Police Staff College in Sarajevo, or elsewhere in the region, to align its police-reform activities to broader regional dimensions. The proposal was repeated at the Working Table session held from 14 to 16 February in Sarajevo. In the conclusions of the Sarajevo session, the Chairman stressed that training courses should be established at the regional level for senior police officers, experts on organized crime and for border management, and that such projects would benefit from the experience and possible contribution of the United Nations. UNMIBH will continue its engagement with the Stability Pact mechanisms in these and other areas.

III. COORDINATION OF THE UNITED NATIONS SYSTEM

24. In his role as coordinator of United Nations operations in Bosnia and Herzegovina, my Special Representative has focused on programmes which support the return of refugees and displaced persons (including demining), the promotion of human rights, the welfare of children, and education and culture. UNMIBH is working closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) to contribute to sustainable returns by ensuring that local police provide adequate security against ethnically motivated intimidation and criminal activity. Accelerating the programme of transfers of minority police and assisting in the development of effective and impartial local judicial bodies are important contributions in this regard. A new challenge for UNHCR is to encourage support for the refugee programme within the framework of the Stability Pact. Unless funding is secured for these projects, achievement and sustainability of returns throughout the region will remain difficult.

25. Given that demining is crucial to returns, the United Nations Development Programme (UNDP) has continued with implementation of its programmes aimed at further strengthening the regulatory and coordination functions of the national mine action centres in the context of the newly designed national mine action plan. In line with this, UNDP is approaching donors to secure financial support for a three-year framework for capacity-building and technical assistance. The United Nations Children's Fund (UNICEF) organized a competition of children's art as part of the mine awareness programme.

26. UNDP has also continued its successful Village Employment and Environment Programme which focuses on small-scale infrastructure and employment to assist spontaneous returnees in achieving economic security.

27. Joint activities of UNMIBH and the Office of the United Nations High Commissioner for Human Rights have intensified. Following a review of the IPTF human rights training material and a survey of IPTF field activities by the Office, an updated human rights training curriculum for IPTF has been prepared. Joint training of co-located IPTF human rights monitors on property matters has contributed to successful legal evictions. A Zenica-based pilot project addressing violence against women has been successful and is likely to be replicated in other areas. The Special Rapporteur of the Commission on Human

Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, Jiří Dienstbier, visited Bosnia and Herzegovina from 24 to 26 January 2000.

28. With respect to the needs of children, UNICEF conducted several seminars for health professionals and reached an agreement for the production of national children's television programmes covering both entities. UNICEF also conducted a survey on the psychological status of about 2,000 displaced children. The results give serious reason for concern for the future of those children and call for more targeted intervention.

29. In the often politically sensitive area of education, the United Nations Educational, Scientific and Cultural Organization (UNESCO) hosted an international symposium dealing with needed changes to the current education system to facilitate returns and improve the quality of education. Work has continued in Mostar for the reconstruction of the Old Bridge and the Criva Cuprija (Crooked Bridge), which collapsed during storms last December. A donors conference for this purpose and for the rehabilitation of Mostar was to take place in early March.

30. The World Bank is currently implementing 18 projects in Bosnia and Herzegovina at a cost of US$ 471.1 million. During 1999, six new projects/credits were approved and several additional project proposals are currently under preparation. In future emphasis will be placed upon accelerating the transition to a market economy and structural reforms.

IV. ENHANCING THE EFFECTIVENESS OF THE MISSION

31. As noted in my last report, substantial progress has been made in achieving the initial police restructuring and reform objectives of UNMIBH, but this progress will remain superficial and incomplete unless comprehensive measures are taken to expose and eliminate political interference, corruption and organized crime in the law enforcement bodies.

32. The Mission's results-based concept of operations (including full co-location, intensive micro audits and intervention with the judiciary) will challenge extremist nationalist politicians and organized crime. UNMIBH believes that in order to remove the remaining obstacles to the restructuring of the police and judiciary and to undertake effective, professional and successful operations, it must have the confidence of knowing that its personnel and property are safe and secure. Accordingly, my Special Representative continues to explore various options for addressing the possible future security needs of UNMIBH.

V. OBSERVATIONS

33. Despite continuing difficulties, additional progress has been made in police restructuring, review of the judicial system and the establishment of the Brčko unified police force. UNMIBH has launched important initiatives to accelerate changes in the ethnic composition of local police, improve

inter-entity police cooperation, de-politicize local police administrations and advance the establishment of court police. However, the Mission has had to take strong action to seek to overcome continued obstruction, resistance and delay in some key areas. Despite the letter and spirit of the New York Declaration of 15 November 1999 (see S/1999/1179), implementation of the State Border Service has been delayed. Bosnian Croat authorities in Mostar have blatantly refused to integrate the Ministry of the Interior and the local police force on the west side of Mostar. And the Republika Srpska has missed key benchmarks for minority recruitment. UNMIBH will need the support of the Security Council and Member States with influence on the Bosnian Croat and Bosnian Serb authorities to overcome resistance to these important endeavours.

34. These developments have again demonstrated that while tangible progress is possible in Bosnia and Herzegovina, it requires intensive, coordinated and robust international engagement. In police restructuring and reform, the key elements of its mandate, UNMIBH has made considerable headway. However, there are many areas where UNMIBH must work with other members of the international community to achieve common goals in areas of shared responsibility. These areas will continue to provide a coordination challenge and, at a time of increasing calls on limited resources, it is essential that all international organizations involved in peace implementation in Bosnia and Herzegovina redouble their efforts to make timely progress.

35. In some areas, progress is linked to improvements in the overall political and economic situation in the wider region. The pledge by the newly elected Government in Croatia to respect the sovereignty of Bosnia and Herzegovina and to cooperate with its people and the international community is a welcome development. I look forward to meaningful cooperation with the Government of Croatia on issues affecting the work of UNMIBH.

36. When the establishment of a judicial system assessment programme in UNMIBH was authorized by the Security Council by its resolution 1184 (1998), UNMIBH was of the view that a basic assessment of the judicial system and associated reports could be completed within approximately two years of the start of the programme. Since the programme got under way towards the end of 1998, the Mission's judicial experts have done excellent work in the initial assessment, but looking ahead, it is clear that the implementation of the reform of the judicial system has just begun. Much of the Mission's survey will continue to show results in the coming quarter, when several substantive reports will be finalized. These reports will address delays in the judicial system, enforcement of court orders, the use and abuse of court experts, political interference in the judiciary and the inspection of company registries. Once this work has been completed, by the end of the current year, the Mission's assessment programme of the judicial system will be completed.

37. As noted in my previous report, the parliaments of both entities are considering legislation which will cover the review of the qualifications, performance and appointments of all prosecutors and judges in Bosnia and Herzegovina. The review is expected to appraise the professional performance of an estimated 800 judicial officials and the draft legislation envisages the establishment of some 23 separate commissions. UNMIBH, within its mandate and under the overall coordination of the High Representative, has begun to prepare

itself to play its part in the international community's efforts to support this important project and, in order to be able to meet this need as well as other continuing needs, to monitor, observe and inspect judicial organizations, structures and proceedings, as mandated to its IPTF under annex 11 of the Dayton Agreement, within existing staff levels.

38. The Mission's special project to form a Bosnia and Herzegovina police contingent for service in a United Nations peacekeeping operation has been an important symbolic contribution to strengthening state identity. In February, the first such contingent, comprising 16 police officers from both entities and all three ethnic groups, successfully completed background checks and a two-week training course provided by IPTF. It is expected that the contingent will be deployed to the United Nations Transitional Administration in East Timor (UNTAET). The value of this endeavour is more than symbolic, as these officers will not only contribute to a peacekeeping mission in a part of the world where their services are needed, but they will also gain invaluable international experience which they can bring to their profession upon their return home.

Annex

Composition of the International Police Task Force as at 1 March 2000

Argentina	32
Austria	37
Bangladesh	29
Bulgaria	35
Canada	19
Chile	11
Denmark	29
Egypt	33
Estonia	5
Fiji	14
Finland	11
France	105
Germany	163
Ghana	98
Greece	7
Hungary	37
Iceland	3
India	123
Indonesia	30
Ireland	35
Italy	20
Jordan	117
Kenya	7
Lithuania	2
Malaysia	43
Nepal	18
Netherlands	52
Nigeria	15
Norway	21
Pakistan	113
Poland	51
Portugal	33
Romania	18
Russian Federation	21
Senegal	16
Spain	53
Sweden	54
Switzerland	6
Thailand	5
Tunisia	2
Turkey	31
Ukraine	30
United Kingdom of Great Britain and Northern Ireland	77
United States of America	176
Total	1 837

Note: The number of civilian police monitors varies owing to ongoing contingent rotations and the recent transfer of a number of officers to the United Nations Interim Administration Mission in Kosovo (UNMIK).

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LETTER DATED 13 MARCH 2000 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit herewith the English translation of the note verbale dated 22 February 2000 from the Ministry of Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of the Republic of Iraq in Tehran (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Hadi NEJAD-HOSSEINIAN
Ambassador
Permanent Representative

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14 March 2000
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LETTER DATED 14 MARCH 2000 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you as follows:

1. At 1700 hours on 11 February 2000 a Kuwaiti patrol intercepted a fishing launch belonging to Iraqi citizen Taha Hafiz 'Abbas Juma'ah, claiming that it was in Kuwaiti waters. On board the vessel were Sa'id Isma'il Bashir, Riyad Isma'il Bashir, 'Adnan Kan'an, 'Aziz Mohammed Nasir, 'Abdal Amir Abdullah and Naji Falih, who were fishing at the time in the territorial waters in the area of Buoy No. 7 near Mina al-Amiq. The members of the patrol proceeded to attack the men and seize both their identity papers and the vessel's papers and certificate of inspection, which they threw into the sea.

2. At 0100 hours on 14 February 2000 a Kuwaiti patrol boat intercepted a fishing launch belonging to Iraqi citizen Taha 'Adnan Hassan, claiming that the vessel, which was fishing in the vicinity of Mina al-Amiq, was in Kuwaiti waters. The patrol tried to force the vessel to lower its flag, but the owner refused. The Kuwaiti patrol then seized the identity papers of the seven-man crew consisting of Talah Taha 'Adnan, 'Issam Yunis, Hamid Hashim Mahmud, Shakir Abdullah, Rashid 'Ashur, 'Ali Hussayn and Abdullah Taha, together with the vessel's papers and certificate of inspection.

I request that you intervene with Kuwait to bring a halt to these unjustified acts of provocation and aggression by Kuwaiti patrols which, as violations of the Charter of the United Nations and international law, pose a threat to the sovereignty and security of Iraq.

I also affirm the right of the Republic of Iraq, in accordance with the principle of international responsibility, to seek compensation for the damage inflicted on it and on its people and their property by these same acts of aggression.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative